

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA**

**ATTORNEY GENERAL OF THE  
STATE OF OKLAHOMA, et al,**

**Case Number: 4:05-C V-00329-TCK-SAJ**

**PLAINTIFFS,**

**v.**

**TYSON FOODS, INC., et al,**

**DEFENDANTS,**

**TYSON FOODS, INC., et al,**

**THIRD-PARTY PLAINTIFFS,**

**v.**

**CITY OF TAHLEQUAH, et al,**

**THIRD-PARTY DEFENDANTS.**

**BILL STEWART, INDIVIDUALLY AND D/B/A DUTCHMAN'S CABINS'  
ADOPTION AND JOINDER OF THE ARGUMENTS AND AUTHORITY SET FORTH  
IN THE STATE OF OKLAHOMA'S MOTION TO SEVER AND STAY AND/OR  
STRIKE OR DISMISS THE CLAIMS ASSERTED IN THE THIRD-PARTY  
COMPLAINTS AND IN THE BRIEF OF THE BERRY GROUP OF THIRD-PARTY  
DEFENDANTS FOR DISMISSAL, AND ALTERNATIVELY FOR SEVERANCE AND  
STAY OF THE THIRD-PARTY COMPLAINT OF DEFENDANTS/THIRD-PARTY  
PLAINTIFFS, TYSON FOODS, INC. TYSON CHICKEN, INC.,  
COBB-VANTRESS, INC. PETERSON FARMS, INC. SIMMONS FOODS, INC.,  
GEORGE'S INC., AND WILLOW BROOK FOODS, INC.**

COMES NOW the Third-Party Defendant, Bill Stewart, individually and d/b/a Dutchman's Cabins, by and through his attorney, R. Pope Van Cleef, Jr., and hereby adopts, joins and incorporates the arguments and authority set forth in the Motion to Sever and Stay and/or Strike or Dismiss the Claims Asserted in the Third-Party Complaints and Brief in Support (Doc. 247) filed by the State of Oklahoma on April 3, 2006, and in the Motion and the Brief in

Support of Motion of the Berry Group of Third-Party Defendants for Dismissal, and Alternatively for Severance and Stay, of the Third-Party Complaint of Defendants/ Third-Party Plaintiffs, Tyson Foods, Inc., Tyson Chicken, Inc. CobbVantress, Inc., Peterson Farms, Inc., Simmons Foods, Inc., George's Inc., and Willow Brook Foods, Inc., (Doc 588 and 589) filed by the Berry Group on May 14, 2006.

It is well-settled that parties to a lawsuit may adopt and incorporate argument and authority set forth in the Briefs/Motions of other parties in order to promote judicial economy and prevent the filing of repetitious documents. See, e.g., RSM Production Corp. v. Petroleos de Venezuela Societa Anonima (PDVSA), 338 F.Supp.2d 1208, 1210 (D.Colo., 2004); U.S. v. Lavallo, 269 F.Supp.2d 1297, 1200 fn2 (D.Colo, 2003); U.S. v. Sanchez, 75 F.3d 603,605 (10th Cir. 1996). Additionally, by Order dated May 31, 2006, Magistrate Judge Sam A. Joyner asked the parties to consider filing pleadings constituting one page “adoptions” of previously filed briefs to reduce duplicate filings and help reduce some of the confusion that has been created in this case due to duplicate filings of the parties (Doc 757, n. 1).

WHEREFORE, premises considered, Third-Party Defendant, Bill Stewart, individually and d/b/a Dutchman's Cabins, hereby adopts, joins and incorporates those arguments and authority set forth in the aforementioned Motions and Briefs and pray this Court dismiss the

Third-Party Complaint of Tyson, or, in the alternative, sever the Third-Party Complaint and stay the proceedings until resolution of the Plaintiff's action against the Defendants.

Respectfully submitted,

s/ R. Pope Van Cleef, Jr.  
R. Pope Van Cleef, Jr.  
Okla. Bar No. 9176  
E-mail: [popevan@robertsonwilliams.com](mailto:popevan@robertsonwilliams.com)  
ROBERTSON & WILLIAMS  
3033 N.W. 63<sup>rd</sup> Street, Suite 200  
Oklahoma City, Oklahoma 73116  
Telephone: 405-848-1944  
Facsimile: 405-843-6707

**CERTIFICATE OF SERVICE**

I certify that on the 16th day of June, 2006, I electronically transmitted the attached document to the Clerk of the Court using the ECF system for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

Jo Nan Allen  
Frederick C Baker  
Tim Keith Baker  
Vicki Bronson  
Paula M Buchwald  
Louis Werner Bullock  
W A Drew Edmondson  
Delmar R. Ehrich  
John R. Elrod  
Bruce Wayne Freeman  
Richard T. Garren  
Dorothy Sharon Gentry  
Robert W. George  
James Martin Graves  
Thomas James Grever  
Jennifer Stockton Griffin  
John Trevor Hammons  
Michael Todd Hembree  
Theresa Noble Hill  
Philip D. Hixon  
Mark D. Hopson

Kelly S. Hunter Burch  
Stephen L. Jantzen  
Bruce Jones  
Jay Thomas Jorgensen  
Raymond Thomas Lay  
Nicole Marie Longwell  
Linda Martin  
Archer Scott McDaniel  
Robert Park Medearis, Jr  
James Randall Miller  
Robert Allen Nance  
George W. Owens  
David Phillip Page  
Chris A. Paul  
Marcus N. Ratcliff  
Robert Paul Redemann  
Melvin David Riggs  
Randall Eugene Rose  
Patrick Michael Ryan  
Robert E. Sanders  
David Charles Senger

Cohn Hampton Tucker  
John H. Tucker  
Kenneth Edward Wagner  
Elizabeth C. Ward  
Sharon K. Weaver  
Timothy K. Webster  
Gary V. Weeks  
Adam Scott Weintraub  
Terry Wayen West  
Edwin Stephen Williams  
Douglas Allen Wilson  
J. Ron Wright  
Lawrence W. Zeringue

I also hereby certify that I served the attached documents by United States Postal Service, proper postage paid, on the following who are not registered participants of the ECF System:

Elizabeth C. Ward  
Frederick C. Baker  
Motley Rice LLC  
28 Bridgeside Blvd.  
Mount Pleasant, SC 29464

William H. Narwold  
Motley Rice LLC  
20 Church St., 17th Floor  
Hartford, CT 06103

C. Miles Tolbert  
Secretary of the Environment  
State of Oklahoma  
3800 North Classen  
Oklahoma City, OK 73118

s/ R. Pope Van Cleef, Jr.